

CUTLER
36194-012103



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JANUARY 21, 2003
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation was delivered by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, January 23, 2003, at 7:00 p.m., and Saturday, January 25, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Presentation of a Virginia Association of Chiefs of Police Award, "Saved by the Belt".

File #5-80

3. CONSENT AGENDA

(APPROVED 7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of Council held on Monday, December 2, 2002; and a special meeting of Council held on Friday, December 6, 2002.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #110-132

- C-3 A communication from the Director of Real Estate Valuation transmitting the Annual General Reassessment Program for fiscal year 2003-04.

RECOMMENDED ACTION: Receive and file.

File #109-162

C-4 Qualification of the following persons:

Joseph F. Miller and William D. Poe as members of the Board of Zoning Appeals, for terms ending December 31, 2005; and

Kenneth H. King, Jr., as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2006.

RECOMMENDED ACTION: Receive and file.
File #15-20-51-110-316

C-5 A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a specific matter requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #83-132

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending approval of a policy to pay military reservists who are called to active duty and serve between October 1, 2002 and September 30, 2003.

Adopted Resolution No. 36194-012103. (7-0)
File #184

2. A communication recommending acceptance of a Fire Programs Funds Grant for fiscal year 2003.

Adopted Budget Ordinance No. 36195-012103 and Resolution No. 36196-012103. (7-0)
File #60-70-236

3. A communication recommending acceptance of a grant of funds from the Byrne Memorial Formula Grant Program, administered by the Virginia Department of Criminal Justice Services.

Adopted Budget Ordinance No. 36197-012103 and Resolution No. 36198-012103. (7-0)
File #5-60-236

4. A communication recommending acceptance of a grant of funds from the State and Local All-Hazards Emergency Operations Planning Grant Program offered through the Federal Emergency Management Agency.

Adopted Budget Ordinance No. 36199-012103 and Resolution No. 36200-012103. (7-0)
File #60-188-236

5. A communication with regard to property rights acquisition in connection with the Roanoke Water Pollution Control Plant Wet Weather Project.

Adopted Budget Ordinance No. 36201-012103 and Ordinance No. 36202-012103. (7-0)
File #2-27-60-468

6. A communication with regard to an Office of Emergency Medical Services Consolidated Grant.

Adopted Budget Ordinance No. 36203-012103 and Resolution No. 36204-012103. (7-0)
File #60-236-354

7. A communication with regard to State Asset Sharing.

Adopted Budget Ordinance No. 36205-012103. (7-0)
File #5-60-76-166

8. A communication with regard to Sharing Federally Forfeited Property.

Adopted Budget Ordinance No. 36206-012103. (7-0)
File #5-60-76-166

9. A communication with regard to a Virginia Recreational Trails Fund Grant.

Adopted Resolution No. 36207-012103. (7-0)
File #67-236

10. A communication with regard to appropriation of funds for development of a marketing identity.

Adopted Budget Ordinance No. 36208-012103. (7-0)
File #60-336-450

b. CITY ATTORNEY:

1. A report transmitting a resolution expressing Council's intent with regard to its appointments to the Hotel Roanoke Conference Center Commission.

Adopted Resolution No. 36209-012103. (7-0)
File #15-110-247

c. CITY CLERK:

1. A report advising of expiration of the three-year terms of office of F. B. Webster Day, Marsha W. Ellison and Gloria P. Manns as Trustees of the Roanoke City School Board on June 30, 2003, and applications for the upcoming vacancies will be received in the City Clerk's Office until 5:00 p.m., on Monday, March 10, 2003.

Received and filed.
File #110-467

d. DIRECTOR OF FINANCE:

1. A report with regard to transfer of General Fund Balance Reserve for self-insured liabilities.

Adopted Budget Ordinance No. 36210-012103. (7-0)
File #58-60-396

7. REPORTS OF COMMITTEES:

- a. A communication from the Roanoke City School Board requesting appropriation of funds for various school accounts; and a report of the Director of Finance recommending that Council concur in the request.

Adopted Budget Ordinance No. 36211-012103. (7-0)
File #60-467

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member Wyatt requested a report on the City's overtime policy.

File #184

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

- a. Request from the Martin Luther King, Jr. Forever Organization to address Council with regard to the renaming of Elmwood Park.
(Not present)

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., inquired as to the amount of funds to be expended by the City for development of a marketing strategy (agenda item 6.a.10).

File #60-336-450

Theodore J. Edlich, III, Executive Director, Total Action Against Poverty, expressed appreciation with regard to Council's previous action accepting a grant of funds from the Byrne Memorial Formula Grant Program for Virginia CARES (agenda item 6.a.3).

File #5-60-236

12. CITY MANAGER COMMENTS:

The City Manager introduced Gwen E. Ellis, who assumed the position of Assistant to the City Manager on Tuesday, January 21, 2003.

File #104-184

The City Manager advised that Municipal Parking Garages are available for parking free of charge on weekdays after 5:00 p.m., and on weekends, in order to promote the availability of parking in downtown Roanoke.

File #277-553

THE MEETING WAS DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN CITY COUNCIL'S CONFERENCE ROOM FOR THE FOLLOWING BRIEFINGS AND TWO CLOSED MEETINGS:

Director of Finance File #1-10-109-429	– Fiscal Year 2002 Comprehensive Annual Financial Report and Fiscal Year 2002 Pension Comprehensive Annual Financial Report. (30 minutes)
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City Manager File #20-514	– Two-way traffic on Campbell Avenue, S. W. (10 minutes)
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City Manager File #27-169-468	– General Permit Registration Statement for storm water discharges from small municipal separate storm water sewer systems. (15 minutes)
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CERTIFICATION OF CLOSED MEETING. (5-0, Mayor Smith and Vice-Mayor Harris left the meeting during the Closed Meeting.)

George F. Taylor was appointed to the Board of Trustees, City of Roanoke Pension Plan, to fill the unexpired term of William E. Skeen, resigned, ending June 30, 2005.

File #15-110-429

AT 5:40 P.M., THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JANUARY 21, 2003
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

The meeting was televised live by RVTB Channel 3 to be replayed on Thursday, January 23, 2003, at 7:00 p.m., and Saturday, January 25, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PRESENTATIONS AND ACKNOWLEDGMENTS:

Presentation of a Shining Star Award.

A Shining Star Award was presented to the LifeNet Donor Memorial Foundation, Inc., of Roanoke which donated \$5,000.00 for site amenities and maintenance costs in connection with the Roanoke River Greenway along Wiley Drive.

File #80

B. PUBLIC HEARINGS:

1. Joint public hearing of City Council and the City Planning Commission with regard to an amendment of Sections 36.1-25, 36.1-206, 36.1-207, 36.1-227, and 36.1-228, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, providing for general service establishments and personal service establishments in the C-2 and C-3 districts, and providing for regulations pertaining to the location of tattoo parlors or body piercing establishments in the City of Roanoke and deleting the definition of “service establishments”. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36212-012103. (7-0)

File #24-51

2. Joint public hearing of City Council and the City Planning Commission with regard to a proposal of the City of Roanoke, Mr. and Mrs. Calvin W. Powers and Mr. and Mrs. Theodore J. Sutton to rezone tracts of land, designated as Official Tax Nos. 3070301-3070310, inclusive, and 3070313-3070316, inclusive, 2041816 and 2041817, from LM, Light Manufacturing District, to C-3, Central Business District, and to rezone Official Tax Nos. 3070501, 3070318 and 3070321, from C-2, General Commercial District, to C-3, Central Business District, subject to certain conditions proffered by the petitioners, in connection with the stadium/amphitheater project. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36213-012103. (7-0)

File #51-192

3. Public hearing with regard to a proposal of the City of Roanoke to award a contract for the lease and management of the Historic City Market Building.

The public hearing was continued until the regular meeting of Council on Tuesday, February 18, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard.

File #42-373

4. Public hearing on a request of the Northwest Neighborhood Environmental Organization and Robert Crowder to rezone nine tracts of land located on the south side of the 500 block of Loudon Avenue, N. W., identified as Official Tax Nos. 2013101 - 2013109, inclusive, from RM-2, Residential Multi-family, Medium Density District, to RM-3, Residential Multi-family, High Density District, subject to certain conditions; and three tracts of land located on the north side of the 500 block of Centre Avenue, N. W., identified as Official Tax Nos. 2013117 - 2013119, inclusive, from LM, Light Manufacturing District, to RM-3, Residential Multi-family, High Density District, subject to certain conditions proffered by the petitioners. James Lesniak, Executive Director; and Robert Crowder, Spokespersons.

The public hearing was continued until the regular meeting of Council on Monday, February 3, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, in order to address concerns raised by Quality Produce Co.

File #51-514

5. Public hearing on a request of the Northwest Neighborhood Environmental Organization that all of the alley from 6th Street, N. W. to 5th Street N. W., in the block lying between Loudon Avenue and Centre Avenue, beginning at the east side of 6th Street between lots bearing Official Tax Nos. 2013101 and 2013115, and extending east to its intersection with 5th Street, between lots bearing Official Tax Nos. 2013114 and 2013123, extending north, and on the west extending along the east border of the lot bearing Official Tax No. 2013109 and on the east extending along the west border of lots bearing Official Tax Nos. 2013114 - 2013110, inclusive, extending north to its intersection with Loudon Avenue, be permanently vacated, discontinued and closed. James Lesniak, Executive Director; and Robert Crowder, Spokespersons.

The public hearing was continued until the regular meeting of Council on Monday, February 3, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, in order to address concerns raised by Quality Produce Co.

File #51-514

6. Public hearing on a request of David J. Ostrom, Jr., to rezone a portion of land located at 1033 Pocahontas Avenue, N. E., described as Lot 27, Section 1, Fairmont Corp., Official Tax No. 3042118, from RM-1, Residential Multi-family, Low Density District, to LM, Light Manufacturing District. George A. McLean, Jr., Attorney.

Adopted Ordinance No. 36214-012103. (7-0)

File #51

7. Public hearing on a request of Robert and Sandy P. Monsour to rezone a tract of land consisting of 0.36-acre, located at the intersection of Plantation Road and Liberty Road, N. E., identified as Official Tax No. 3130805, from RM-1, Residential Multi-family, Low Density District, to CN, Neighborhood Commercial District, subject to certain conditions proffered by the petitioners. Maryellen F. Goodlatte, Attorney.

Adopted Ordinance No. 36215-012103. (7-0)

File #51

8. Public hearing on a request of Kristi Parr that an alley intersecting with Mississippi Avenue, N. E., and between Official Tax Nos. 3130429 and 3130428, be permanently vacated, discontinued and closed. Kristi Parr, Spokesperson.

Adopted Ordinance No. 36216-012103. (7-0)

File #514

9. Public hearing on a request of St. Paul United Methodist Church, Board of Trustees, that a portion of Moorman Road, N. W., be barricaded at its intersection with Fifth Street, N. W. Lillie T. Patterson, Spokesperson.

Adopted Ordinance No. 36217-012103. (7-0)

File #514

10. Public hearing with regard to amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Old Southwest and Belmont Neighborhood Plans. R. Brian Townsend, Agent, City Planning Commission.

**Adopted Ordinance Nos. 36218-012103 and 36219-012103. (7-0)
File #165-200**

11. Public hearing with regard to a proposal to change the structure of City water rates and related charges for services which will result in increases in certain rates and related charges. Darlene L. Burcham, City Manager.

**Adopted Budget Ordinance No. 36220-012103 and Ordinance No. 36221-012103. (7-0)
File #60-468**

12. Public hearing with regard to a proposal of the City of Roanoke to convey surplus property located at the intersection of Gainsboro Road and Gilmer Avenue, N. W., identified as Official Tax No. 2011718, to the nearby property owner; and to convey surplus property located at the intersection of Gainsboro Road and Harrison Avenue, N. W., described as Official Tax Nos. 2021788 and 2021789, to adjacent property owners residing at 101 Harrison Avenue, N. W. Darlene L. Burcham, City Manager.

The ordinance was tabled for the purpose of addressing a question raised by Council Member Bestpitch with regard to placing restrictions on the deed to property located at the intersection of Gainsboro Road and Gilmer Avenue, with regard to the type of grading to be permitted on the site.

File #2-166

13. Public hearing with regard to a proposal of the City of Roanoke to vacate sewer/drainage easements on Wildwood Road, S. W. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 36222-012103. (7-0)
File #27-28**

14. Public hearing with regard to a proposal of the City of Roanoke to authorize extension of a lease, entered into by the City of Roanoke and the Roanoke City School Board, of a portion of City-owned property, known as the Jefferson High School Gymnasium, located at 540 Church Avenue, S. W., identified as Official Tax No. 1113414, to the Young Men's Christian Association of Roanoke, Virginia, for a period of six months. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36223 on first reading. (7-0)
File #166-373-467

15. Public hearing with regard to a proposal to extend the lease of the Commonwealth Building to the United States General Services Administration. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36224-012103. (7-0)
File #373-524

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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Anita Price, President, Roanoke Education Association, extended an invitation to the Members of Council to participate in a rally to be held on Monday, January 27, 2003, at 11:00 a.m. in Richmond, Virginia, at which time teachers will lobby the General Assembly to show a united front in support of public education. She expressed appreciation for a resolution adopted by Council acknowledging the educational funding crisis. She expressed concern that teachers are anticipating an increase in their insurance premiums by as much as 50 per cent or more.

File #58-60-137-467

Mr. Robert Gravely, 3360 Hershberger Road, N. W., addressed the increase in water rates and the lack of progress by the City of Roanoke.
File #66-468

In reference to scheduling future public hearings, Council Member Wyatt requested that those public hearings that are anticipated to be controversial in nature be scheduled following non-controversial public hearings.

File #132